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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/807,980	07/02/2001	Hiroshi Susaki	P20953	1881	
7055 7	590 05/30/2002				
GREENBLUM & BERNSTEIN, P.L.C.			EXAMINER		
1941 ROLAND CLARKE PLACE RESTON, VA 20191			RUSSEL, JE	RUSSEL, JEFFREY E	
			ART UNIT	PAPER NUMBER	
			1653	13	
			DATE MAILED: 05/30/2002	17	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner	. •	Application No.	Applicant(s)			
Jeffrey E Russel Josphan Josph	Office Action Summany	09/807,980	_			
- The MALING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Edentations of mer may be available under the positions of 3 CPR 1.158(p), in revent, however, may a raphy be timely filed Edentation of mer may be available under the positions of 3 CPR 1.158(p), in revent, however, may a raphy be timely filed Edentation of the reply specified above is less than thiny (30) days, a reply within the statutory priority and (50) MONTHS from the malling date of this communication, or reply and vill expire (40) (a) may be add vill expire (30) (MONTHS from the malling date of this communication, over it may filed, any reduced by the Office later than frome mouths after the nealing date of this communication, over it may filed, any reduced by the Office later than frome mouths after the nealing date of this communication, over it may filed, any reduced any research plant the malling date of this communication, over it may filed, any reduced by any reply reduced by the Office later than from the malling date of this communication, over it may filed, any reduced by any reply reduced by the Office later than the nealing date of this communication, over it may filed, any reduced any reply the office later than the nealing date of this communication, over it may filed, any reduced by research plant than the nealing date of this communication, over it may filed, any reduced by research plant than the nealing date of this communication. Status **This action is FINAL** 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Expired Quality (4) S.C. D. 11, 453 O.G. 213. **Disposition of Claims** 4) Claim(s)	Office Action Summary	Examiner	Art Unit			
Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Inter MAILING DATE OF THIS COMMUNICATION. Inter SIX (b) MONTHS from the mailing date of this communication. If the period for repty specified above, the maintain statutory paried will apply and will expire static for repty specified above, the maintain statutory paried will apply and will expire static for repty specified for repty specified between the maintain static paried will apply and will expire static for repty specified to repty specified to repty specified to repty specified specified to repty specified specification specified to repty specified to repty specified specif		•				
THE MAILING DATE OF THIS COMMUNICATION. Extraction of this may be surplished under the proteins of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after \$0.00 MoVPH*6 from the making date of this communication. **Extraction of this may be surplished under the proteins of 37 CFR 1.136(a). **In No period or reply is specification than broken maning date of this communication. **Failure to reply within the sol or extended period for reply vall, by datalute, cause the application to become ABANCONED (35 U.S.C. § 13.3). **An reply received by the Office dister than broken mean adulatory period vall gapy and wall replaced \$1.00 CMP (35 U.S.C. § 13.3). **An reply received by the Office dister than broken meaning date of this communication, when it timely filed, may reduce any \$1.00 CMP (35 U.S.C. § 13.3). **Status** 1)	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-38 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawings correction filed on is: a) approved b) disapproved by the Examiner. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 					
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	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal P				

Art Unit: 1653

Claim 33 is generic to a plurality of disclosed patentably distinct sequences comprising: 1. (1) Gly-Gly-Phe-Gly; and (2) Gly-Gly-Phe. These sequences are patentably distinct, each from the other, because of their materially different amino acid sequences. Searching all of the claimed sequences would constitute an undue burden on the examiner because different sequence searches would be required for each of the claimed sequences. Applicant is required under 35 U.S.C. 121 to elect a single disclosed sequence, even though this requirement is traversed. Generic claims 1-32 and 34-38 will be examined with the elected sequence.

Should applicant traverse on the ground that the sequences are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the sequences to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

This is not a species election, but a holding that the sequences are patentably distinct, one from the other.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the 2. inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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3. The Sequence Listing filed February 22, 2002 has been approved.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (703) 308-3975. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The

examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Christopher Low can be reached at (703) 308-2923. The fax number for Art Unit 1653 for formal communications is (703) 305-3014; for informal communications such as proposed amendments, the fax number (703) 746-5175 can be used. The telephone number for the Technology Center 1 receptionist is (703) 308-0196.

Jeffrey E. Russel

Primary Patent Examiner

Art Unit 1653

JRussel

May 28, 2002